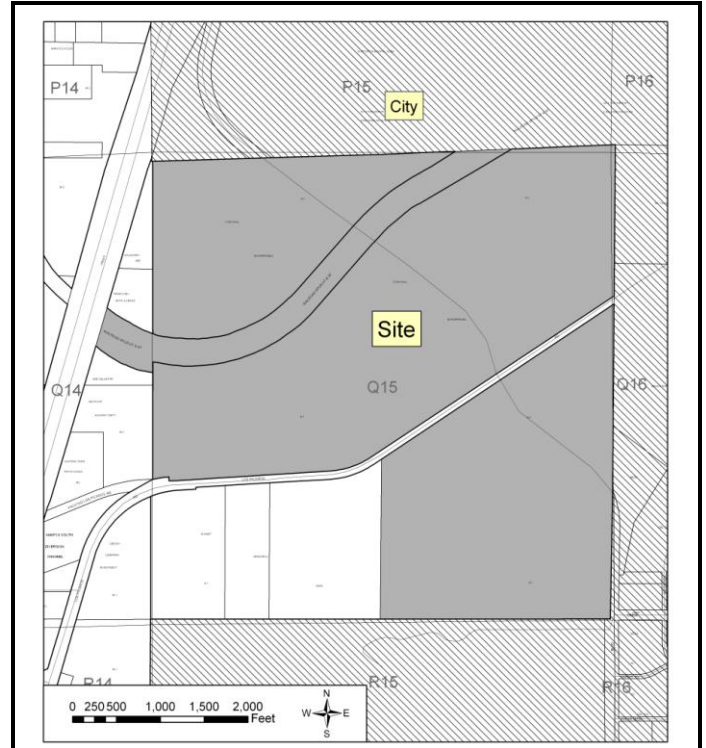


Applicant:	Horne-Stewart, LLC
Agent:	THE Hensley Engineering Group
Location:	Section 16
Property Size:	Approximately 540 Acres
Existing Zone:	A-1
Proposed Master Plan	Valle del Sol
Recommendation	Deferral



Summary: This request is for approval of a Master Plan to develop approximately 540 acres of land located east of I-25, north and west of Mesa del Sol, and south and southwest of the Albuquerque International Sunport. The plan is for residential, commercial, and industrial uses and open space. In October 2007, the CPC considered the request and continued the case for one year for the applicant to address numerous staff and agency concerns. The request was deferred by the CPC in October 2008 and again in October 2009. In April 2010, the CPC recommended denial of the request to the BCC. In May 2010, the BCC remanded the case on appeal to the CPC for consideration of a revised master plan.

Staff Planner: Catherine VerEecke, Program Planner

- Attachments:**
1. Application
 2. Area and Land Use Maps
 3. Previous application notices of decision (1997)
 4. Water and Sewer Availability Statement, August 2006
 5. Opposition letters--City of Albuquerque (for 10/7/07) & resident (for 4/7/10)
 6. Request for deferral, CPC Notice of Decision for 4/7/10 hearing
 7. Appeal to BCC, and BCC Notice of Decision
 8. Cover letter for Revised Master Plan, 7/26/10
 9. Revised Master Plan, dated 7/26/10

Bernalillo County Departments and other agencies reviewed this application from 8-28-07 to 9-10-07 and from 7/26/10 to 8/9/10. Their comments were used in preparation of this report, and begin on Page 24.

AGENDA ITEM NO.: 5
County Planning Commission
September 1, 2010

SPR-70004 The Hensley Engineering Group, agent for Horne-Stewart LLC, requests approval of the Valle Del Sol Master Plan. Valle del Sol Master Plan proposes a planned community for mixed-use residential, commercial and light industrial, including a multi-family housing, parks, trails, and open space. Valle del Sol is located south of the Albuquerque International Airport, north of Mesa del Sol, and east of I-25, within T9N, R3E, Section 16, and containing approximately 540 acres. (Q-15)
(REMANDED FROM THE MAY 25, 2010 BCC HEARING).

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

Site	Zoning	Land use
	A-1	Vacant
North	SU-1 (Airport)	City of Albuquerque (Airport)
South	SU-1 (Urban and Regional Park)	Mesa del Sol (undeveloped & Journal Pavillion)
East	SU-1 Sludge Treatment Center PC (Residential)	Vacant, City Open Space Mesa del Sol (under construction)
West	M-1	Vacant

BACKGROUND:
The Request

This request is for approval of a Master Plan to develop approximately 540 acres of land located in unincorporated Bernalillo County east of I-25, north of Mesa del Sol, south and southwest of the Albuquerque International Sunport and east of the Kirtland Air Force Base. The property has A-1 zoning and is undeveloped. However, it includes a portion of the Tijeras Arroyo, a federally-owned railroad easement, and a portion of the new University Blvd. and right-of-way.

Case History

In 1994, a portion of the property was granted a Comprehensive Plan Amendment to remove the Open Space Network and Rural designations from portions of the property (as shown on the 1988 Open Space Network Map), as related to the presence of the Tijeras Arroyo on the property. The property was then designated in the Developing Urban and Reserve Area.

In May 1996, the current property owner submitted an application to the City of Albuquerque and Bernalillo County for approval of the Valle del Sol Master Plan (SC5 96-6 MP, SPR 96-1, SDC 96-2). The request proposed 1853 residential units (263 acres), 55 acres of commercial uses, 140.7 acres of parks, trails, and easements, a six acre school site, and 75 acres of open space. Several neighborhood centers with commercial and higher density residential development were shown on the land use plan. The original plan also included a proposal for the extension of University Blvd. and the channelization and straightening of the Tijeras Arroyo. It also proposed construction of its own water and wastewater systems, ultimately to be managed by Bernalillo County.

In October 1996, a joint County Planning Commission (CPC) and Environmental Planning Commission (EPC) hearing was held to consider the Valle del Sol Master Plan. (At the time the five-mile extraterritorial planning zone was in existence.) The County Planning Commission voted to recommend approval of a Level A Community Master Plan for Valle del Sol. The Environmental Planning Commission voted to recommend denial of the request. In April 1997, the Board of County Commissioners remanded the request to the CPC for reconsideration due to a possible change in site's acreage. According to the current application, during the past 10 years, the applicant has been involved with the planning and construction of University Blvd. and dedication of associated right-of-way.

Current request and justification

The applicant is now requesting an "Amendment to the Master Plan Report", which incorporates changes necessitated by the dedication of right-of-way for the construction of University Blvd. through the property. According to the agent, "the amended plan is true to the intent of the original plan considered and recommended for approval by the County Planning Commission." It also includes a revised drainage concept.

The applicant argues that the current request will provide employment opportunities and middle income housing near the City of Albuquerque, Kirtland Air force Base, and Mesa del Sol.

The current plan is for residential, commercial, and industrial uses and open space. The 377 acres shown on the land use plan with designated uses will be utilized as follows: 205 acres for single family residential, 25 acres for multi-family, 73 acres for industrial uses, 26 acres for commercial uses, 43 acres for open space, 2.6 acres for parks and recreation, and approximately 1.4 acres for a utility. The plan further indicates that there will be 1435 units of single family housing and 622 units of multi-family housing.

The Master Plan also includes the following:

Transportation – includes the existing University Blvd. and Los Picaros Road. Several other roads are planned, including one to accommodate a new air cargo building north of the site and the proposed I-25 interchanges and associated road realignments. Two other proposed major roads would be located in residential areas, as shown on the applicant's current plans. A more comprehensive plan will be provided and will include pedestrian and bicycle pathways.

Cultural Resources – a survey conducted on the site revealed 14 prehistoric archaeological sites on the subject property. The State Historic Preservation Division recommended the removal of or avoidance of the sites during development. The application states that additional surveys will be conducted.

Drainage – associated with the presence of the Tijeras Arroyo and adjacent and nearby basins development of the property (e.g., roads) and the undulating terrain of the property, the applicant states that comprehensive drainage plans are being developed to be submitted to the County Public Works Division. Discussions have also been held with AMAFCA. The plans will likely include embanking and channelization of portions of the arroyo, protection of water quality, and minimizing erosion.

Utilities – Although the Albuquerque Bernalillo County Water Utility Authority Availability Statement, dated August 2006 (Attachment 4) states that no commitment for service can be made prior to the approval of the Master Plan, the applicant states that water and sewer lines have been constructed in University Blvd. Figure 8 of the Plan shows proposed water and sewer mains on the property.

Surrounding Land Uses and Zoning

This property is located within Section 16 of Township 9 North, Range 3 East, about 4 miles the south of the Albuquerque downtown area, to the south of the Rio Bravo exit of I-25. The property encompasses most of Section 16, with the exception of approximately 100 acres of undeveloped, private land in the southwest portion of Section 16, with A-1 zoning (i.e., Sunset Memorial Park). The property is generally east of I-25 with several large, undeveloped parcels of M-1 zoned (County) land located between I-25 and the subject property. There are several light industrial developments south of these properties nearby I-25.

Properties to the north, east, and south of the property fall within the City of Albuquerque limits. To the immediate north of the property is a portion of the Albuquerque International Sunport, with a runway located about 900 feet from the north property line of the subject property. The

area to the northeast east of the property also includes an automobile race track. To the south of the subject property is State of New Mexico-owned land that includes the Journal Pavilion. The Journal Pavilion Complex (the amphitheater, parking, Bobby Foster Rd.) falls within 100 feet of the south property line of the property.

To the east of the site are mainly properties that fall within the Mesa del Sol Planned Community, under Mesa del Sol LLC or State of New Mexico Land Office ownership. Those properties near the northeast corner of the subject property are zoned SU-1 for a Sludge Treatment Facility, which appears to be associated with the Montessa Park Waste Distribution Center (located to the northeast). It also includes the City-owned Montessa Park Open Space. The remaining area east of the property appears to be affiliated with the Kirtland Air Force Base, although the actual boundary of the Base is about two miles to the east of the subject property.

Albuquerque/Bernalillo County Comprehensive Plan

Section 2 (Land Use) Reserve Area. Approximately 400 acres of the subject site (including right-of-way). The Goal of the Reserve Area is to allow opportunity for future development of high quality, mixed-use, largely self-sufficient planned communities bounded by permanent open space, in appropriate outlying areas and to protect the non-urban development areas as Rural unless such planned communities are developed.

Policy a states that a proportion of new growth may be accommodated in new planned communities. Such communities should meet the following guidelines.

- Political unification with the central urban government.
- Substantial self-sufficiency in provision of employment, goods, and public services, with at least one community center; normally, there shall be adequate jobs and housing in the planned community to support the concept of self-sufficiency; within the planned community, housing should correspond to employment opportunities as to its quality, type and price, and location.
- Negotiated sharing of service costs by the developer and the local government, with water, sewer, and street systems installed to meet City requirements; planned communities shall not be a net expense to local governments.
- Transit/paratransit capability to provide service within the planned community and to connect with other urban areas.
- Designate portions of the Open Space network to distinguish the new community from ultimate Developing Urban Area development; dedication of open space adequate to a clear sense of separation from the Plan's contiguous Urban Area.
- Variety in economic levels and types of housing within carefully planned areas to ensure capability.
- Contiguous acreage to meet the above guidelines.

Policy b states that overall gross density shall not exceed three dwelling units per acre, and density transfer (clustering) shall be used to accomplish appropriate urban densities in planned communities while ensuring an open space network within and around them. Within this

overall density policy, housing densities and land use mix, open space, infrastructure size and location, and other public services and facilities are to be preserved through rank two plans or rank three plans.

- Transfer of development rights in local government shall ensure permanency of the pattern.
- Land which is already in public ownership (whether fee or easement), is not considered in calculating density, but all other land is counted.
- A carrying capacity analysis of each planned community area will identify constraints and opportunities presented by environmental, historical, cultural, archaeological and infrastructure factors.

Policy c states development within Reserve Area shall take place either in accordance with an approved planned community master plan (up to three dwelling units per acre), or in accordance with the standards applicable to Rural Areas.

Policy d states that a planned community master plan approved in accordance with this section and more specific development criteria shall serve to implement the Comprehensive Plan. A planned community master plan shall not be approved if it fails to demonstrate its own sense of place, self-sufficiency, environmental sensitivity, separation from the contiguous Albuquerque urban area by permanent open space and the provision of infrastructure which is not a net expense to the local government.

Section 3 (Land Use) Rural Area The Goal of the Rural Area is, “to maintain the separate identity of Rural Areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.” The following are applicable policies:

Policy b states that, “Development in Rural Areas shall be compatible with natural resource capacities, including water availability and capacity, community and regional goals and shall include trail corridors where appropriate.”

Policy f States that, “Development shall be carefully controlled in the East Mountain Area to prevent environmental deterioration, and to be compatible with the resource base and natural recreational and scenic assets.”

Section 1 (Land Use) Open Space Network – “the Goal is to provide visual relief from urbanization and to offer opportunities for education, recreation, cultural activities, and conservation of natural resources by setting aside Major Public Open Space, parks, trail corridors, and open areas throughout the Comprehensive Plan area.”

Policy a states that “Open space lands and waters shall be acquired or regulated as appropriate to serve one or more of the following specific purposes:

- conservation of natural resources and environmental features
- provision of opportunities for outdoor education and recreation
- conservation of archaeological and resources
- provision of trail corridors

- protection of the public from natural hazards

Policy c states that “development in or adjacent to the proposed Open Space network shall be compatible with open space purposes.”

Section 4 (Developing Urban and Established Urban Area). A portion of the site is located in the Developing Urban Area as delineated in the Albuquerque/Bernalillo Comprehensive Plan. The principal Goal for the area of the Comprehensive Plan is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and lifestyles, while creating a visually pleasing built environment.

Policy a states that “The Established and Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre.”

Policy d states that “The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concern.”

Policy e states, “New growth shall be accommodated through development of areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be assured.”

Policy f states that “Clustering of homes to provide larger shared open areas and houses oriented toward pedestrian or bikeways shall be encouraged.”

Policy g states “Development shall be carefully designed to conform to topographical features and include trail corridors in the development where appropriate.”

Policy i states that “Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.”

Policy k states that “Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation operations.”

Policy l “states that Quality and innovation in design shall be encouraged in all new development design shall be encouraged which is appropriate for the plan area.”

Policy m “states that Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.”

Air Quality

The Goal is to improve air quality to safeguard public health and enhance the quality of life.

Policy g states “Pollution from particles shall be minimized.”

- “Use vegetation, landscaping and other erosion control techniques to minimize dust pollution especially from construction sites.”
- Modify the Development process manual to expand requirements for top soil disturbance permits and dust control plans for excavations greater than $\frac{3}{4}$ acre; monitor and strictly enforce the existing regulations regarding airborne particulates.”

Developed Landscape

The Goal is to maintain and improve the natural and the natural and the developed landscapes’ quality.

Policy a states that “The natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions.”

Activity Centers (Section 7)

The Goal is to expand and strengthen concentrations of moderate and high-density mixed use land use and social/economic activities which reduce urban sprawl, auto travel needs, and service cost, and which enhance the identity of Albuquerque and its communities. The Plan identifies four types of Activity Centers, which are shown on the Centers and corridors Map. These are: 1) major activity centers; 2) community activity centers; 2) specialty activity centers; neighborhood activity centers; and 4) rural village activity centers. Community Activity Center, which appears to apply to this development, normally has a core area of 15-16 acres plus contributing uses and has a high concentration of commercial and entertainment uses, in addition to community-wide services, civic land uses, employment, and the most intense land uses in the area. It would serve an area of up to three miles and include a variety of uses such as schools, religious facilities, educational facilities, senior housing, medium density residential, and entertainment.

Policy 7.a (Activity Centers) states "Existing and proposed Activity Centers are designed by a by a Comprehensive Plan map where appropriate to help shape the built environment in a sustainable development pattern, create mixed use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost effectiveness of City services. Each activity center will undergo further analysis that will identify design elements, appropriate uses, transportation service, and other details of implementation."

Policy 7.e states new Activity Centers are designated and added to the Comprehensive Plan through local government review and approval based on specific criteria.

Policy 7.h states "Changing zoning to commercial, industrial or office uses for areas outside the designated Activity Centers is discouraged."

ANALYSIS:

Surrounding Land Use and Zoning

The site is adjacent to a number of existing and proposed land uses. To the north of the site, land falls within the Albuquerque International Sunport. To the west of the site is undeveloped land with M-1 zoning in unincorporated Bernalillo County that extends to I-25. To the south of the property (westerly portion) is approximately 100 acres of A-1 zoned land, also in the County. Also to the south of the property (easterly portion) is land within the City of Albuquerque designated in the Mesa del Sol Master Plan as the a County Recreation Complex, which includes the Journal Pavilion. Property east of the subject site also is within the City of Albuquerque jurisdiction and the Mesa del Sol plan area and includes mainly undeveloped land, a portion of which is escarpment and City Open Space.

The current request includes 205 acres for single family residential, 25 acres for multi-family, 73 acres for industrial uses, 26 acres for commercial uses, 43 acres for open space, 2.6 acres for parks and recreation, and 1.4 acres for a utility. Only limited details are provided for these land uses, other than the general lay out of land uses for the site as shown in Figure 2, and only limited information is provided about adjacent land uses. Without this information it is difficult to assess the compatibility of the land uses proposed in the Master Plan with those existing and proposed uses nearby the site.

Plans

The property is currently zoned A-1 with 400 acres of the property in the Reserve Area of the Albuquerque/Bernalillo County Comprehensive Plan, and the remaining 140 acres in the Developing Urban Area. The applicant has not provided any discussion to demonstrate the request's compliance with the policies of the Comprehensive Plan for the Reserve and Developing Urban Areas. **Policy c** states development within Reserve Area shall take place either in accordance with an approved planned community master plan (up to three dwelling units per acre), or in accordance with the standards applicable to Rural Areas. The applicant has not indicated whether the request will conform to policies of the Reserve or Rural areas of the Comprehensive Plan and if there will be development in the Developing Urban part of the site will differ from that of the Reserve/Rural Area. It appears, however, based on the number of dwelling units and types of land use proposed for the development that the request may be for the development to follow the policies for the Reserve Area.

Based on the limited materials submitted, the request appears not to comply with Comprehensive Plan policies, including the following:

Comprehensive Plan Goals

The Goal of the Reserve Area is to allow opportunity for future development of high quality, mixed-use, largely self-sufficient planned communities bounded by permanent open space, in appropriate outlying areas and to protect the non-urban development areas as Rural unless such planned communities are developed. Although the Valle del Sol Master Plan proposes mixed uses, it is not clear how the development will meet the other requirements of the Reserve Area, such as self-sufficiency, protecting the non-urban development, and being bounded by open space.

The principal Goal for the Developing Urban Area of the Comprehensive Plan is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and lifestyles, while creating a visually pleasing built environment. As with the Reserve Area, it is not clear from the request how the Valle del Sol development would meet this goal, as limited information on these areas (e.g., housing, work areas, built environment) is provided.

Sense of identity, community

Policy d of the Reserve Area states that “A planned community master plan shall not be approved if it fails to demonstrate its own sense of place, self-sufficiency, environmental sensitivity, separation from the contiguous Albuquerque urban area by permanent open space and the provision of infrastructure which is not a net expense to the local government.” Policies for the Developing Urban Area also require attention to natural environmental conditions and carrying capacities, designation of open space areas, scenic resources and resources of other social, cultural, or recreational concern and for development to ensure access to urban facilities and infrastructure. The current request fails to demonstrate how these policies will be addressed in the proposed development, for instance in such areas as water and sewer availability, provision of parks and open space, terrain management, residential neighborhoods, commercial areas, and design standards, as well as not incurring expenses to the local government.

Density.

Policy b (Reserve Area) states that “overall gross density shall not exceed three dwelling units per acre, and density transfer (clustering) shall be used to accomplish appropriate urban densities in planned communities while ensuring an open space network within and around them.” Policy a (Developing Urban Area) states that “The Established and Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre.” The information on residential density for the Valle del Sol site is limited (one reference is made 1453 single family and 622 multi-family units), and this residential density exceeds that prescribed by the Comprehensive Plan. This is shown in the following table.

Allowable Residential Density (easement included)*

Comprehensive Plan Designation	Gross Acres	Units/acre (per Plan)	Number of units (Maximum)
Developing Urban	140	5	700
Reserve	400	3	<u>1200</u>
Total			1900

* The Comprehensive Plan recommends that easement not be included, but since the request does not provide acreage for easement, the gross acreage is used in this calculation.

As shown in the above table, if following the density prescription of the relevant Comprehensive Plan areas, a maximum of 1900 dwelling units would be allowed. The request is for a total of 2057 residential units, and 157 more units than would be allowed if complying with the Reserve and Developing Area policies for density.

In addition, if the easements and right-of-way areas are removed from the land use plan, as recommended by the Comprehensive Plan, the gross density of the site would be even higher.

If policies for the Rural Area are used instead of those of the Reserve Area, the allowable density would be as follows:

<u>Allowable Density (easement included)*</u>			
Comprehensive Plan Designation	Gross Acres	Units/acre (per Plan)	Number of units (Maximum)
Developing Urban	140	5	700
Rural	400	1	<u>400</u>
Total			1100

* The Comprehensive Plan recommends that easement not be included, but since the request does not provide acreage for easement, the gross acreage is used in this calculation.

Thus, if the property were to comply with the Developing Urban and Rural designations, the allowable residential density would be about 53 percent of that proposed by the current Master Plan.

In summary, more information is needed on the specific land uses and densities for the Valle del Sol site with reference to their compliance with the Comprehensive Plan goals and policies. It appears that the proposed residential density for the site (net--5.5 dwelling units per acre, 3.8 gross dwelling units per acre, based on the information provided in the Master Plan) may exceed that allowed by the Comprehensive Plan.

Bernalillo County Zoning Ordinance

The property is currently zoned A-1, which allows agricultural-type uses and single family residential uses at one dwelling unit per acre, while the Master Plan proposes mixed uses and a higher residential density than allowed by the existing zoning. It is not clear from the Master Plan submittal how the development will relate to Bernalillo County Zoning and Development Review processes. Information should be provided on the types of zoning to be sought for the properties, for instance residential or commercial zoning under existing County Zones, such as R-1, C-1, or M-1, or under Special Use Permits. In addition, information on setback or other restrictions or design elements, together with landscaping and parking requirements or standards, should be provided as part of the request. This will not only assist in directing the development in specific County processes, it will also help to define the development in terms of land use, densities, and the character and quality of the development of the subject property.

Agency Comments

County staff and agency representatives have noted numerous issues with the current Valle del Sol Master Plan, related to the Plan's lack of detail and feasibility in certain areas, such as water and sewer services, grading and drainage, transportation, cultural resource management, parks, and open space.

Water and Sewer Availability and Usage. Public Works (Hydrology) and Environmental Health comments indicate that these services exist in the vicinity of the site. However, the applicant has not demonstrated they are available to the proposed development, and the Albuquerque/Bernalillo County Water Utility Authority (ABCWU) staff comments state that water service is not available to the site. The applicant must provide a current letter from the Albuquerque/Bernalillo County Water Utility Authority (ABCWU) indicating that the plan has been reviewed and that ABCWUA is in support of the project. Public Works' comments state that a more detailed utility plan is needed, water rights must be demonstrated, and a water conservation plan meeting the requirements of Bernalillo County is required.

Terrain Management. Several departments (Public Works, Environmental Health, City Open Space) note that there are significant issues with the terrain of the subject property, the lack of information provided on it and the lack of an acceptable plan for dealing with the issues. The issues include the existing slope/escarpment on the property, the Tijeras Arroyo, and soils and erosion. Although a terrain management plan appears to have been prepared, it is not included with the request. An environmental impact study appears to have been conducted for possible contaminants and hazardous materials and must be provided for review by County Environmental Health staff. Public Works (Hydrology) comments note that the terrain management plan for this request must account for possible contaminants to groundwater, especially due to the slope and soils of the area.

Grading and drainage. Public Works (Drainage) comments state that the information provided is not acceptable. A conceptual grading and drainage plan will be required for the entire development as part of the approval process. This grading and drainage plan must conform to applicable sections of the "Tijeras Arroyo Drainage Management Plan", must include references to existing master plans in the area, must work in conjunction with existing developments and must allow for future developments in this area. A stormwater protection plan is also required. City Parks and Open Space comments state that the grading plan submitted is unacceptable, in part due to apparent intent to alter areas that are proposed as open space.

Transportation. A Traffic Impact Study is recommended by Bernalillo County Public Works. A more detailed plan for access and internal roads is required. Information is also requested for transit options for the community.

Parks and Open Space. City Open Space staff indicates there are several issues with the plan for the dedication of a large area of open space on the property and with plans for altering the Tijeras Arroyo, which may include trails. More information is needed on proposed ownership, development, and maintenance of the open space areas and the relation of the areas to existing, nearby open space areas, and preservation of views, sensitive areas, and cultural resources (e.g., archaeological sites, the railroad spur). There also is a concern with the aviation facility to the north impacting the area. County Parks and Recreation staff also notes the lack of detail provided for ownership and maintenance of parks and trails and the relationship to existing facilities and networks. Additional park area is needed based on the size of the development.

Vicinity Map and Land Use Map and Data

There are several inconsistencies with the vicinity map and land use map and data provided with the application. First, the vicinity map (Figure 1) is of the entire Section 16 (T9N, R3E) in which the subject property is located, which includes the 100 acres in the southwest portion of the property that appears not to be a part of the request. Second, a separate tract of land (the railroad spur) is included in the request but appears not to be owned by the applicant. Third, the land use map (Figure 2) indicates an area of 376.9 acres for the development, while the request is for 540 acres. The applicant must clarify these discrepancies.

Conclusion

This request is for a Master Plan for a property that totals 540 acres in Section 16 (within Township 9 North, Range 3 East). The application (with a cover letter dated August 17, 1997) states that this is a request for an amendment to the Master Plan Report, which was recommended for approval by the County Planning Commission in October 1996. However, since the Board of County Commissioners never adopted the original plan and more than 10 years have lapsed since the initial submittal, staff has reviewed this current submittal as a new request for a master plan. The original request was considered under the Planned Communities Criteria, which are no longer followed in Unincorporated Bernalillo County. Accordingly, the Albuquerque/Bernalillo County Comprehensive Plan and current individual departmental standards and ordinances would apply to the proposed development.

Staff and agencies have noted a number of deficiencies with the current request, namely that it lacks detailed information and plans for such areas as zoning, grading and drainage, terrain management, water and sewer availability, water conservation, roads and transportation, and parks and open space. In addition, no acceptable justification for the request is provided, particularly with reference to the Comprehensive Plan goals and policies for the Reserve and Developing Area that cover the request. More information and justification is also needed as regards residential density and specific land uses and their relationship to the surrounding area, in addition to demonstrating the design, character, and quality of the proposed development, as required by the Comprehensive Plan.

ADDITIONAL STAFF COMMENTS, APRIL 7, 2010

The applicant has been proposing to develop the 540 acre subject property near Mesa del Sol and the Albuquerque International Airport for more than 10 years. The subject property has A-1 zoning and is mainly within the Reserve Area of the Albuquerque/Bernalillo County Comprehensive Plan, with a smaller portion in the Developing Urban Area. The initial request for approval of the Valle del Sol Master Plan for the development of the property was considered by the County Planning Commission in 1996 and by the Board of County Commissioners in 1997, but it was never completed.

In October 2007, the CPC considered the current request for Master Plan approval but continued the case for one year for the applicant to the address numerous address staff and

agency concerns that were submitted for or were presented at the October 3, 2007 CPC hearing. The specific concerns appear on pages 16 to 26 of this staff report (below) and are also summarized on pages 11 to 12 (above). The comments indicated that there were major deficiencies with the plan and that substantially more detailed information and individual plans were needed in such areas as zoning and land use, grading and drainage, terrain management, water and sewer availability and conservation, roads and access, transportation, and parks and open space. In addition, there were comments in the staff report and at the CPC hearing that stated that the request conflicted with Comprehensive Plan land use policies, particularly for the Reserve Area, and with regional planning and land uses for the vicinity of the site. (See also Attachment 5—Letters from City of Albuquerque).

The request was deferred by the CPC in October 2008 and in October 2009 at the applicant's request to allow the applicant and agents to continue working to address the concerns. The deferral requests stated that progress was being made and the revised Master Plan was close to completion.

The applicant is again requesting additional time (now 6 months) to address the concerns of staff and agencies and complete the revised version of the Valle del Sol Master Plan (Attachment 6). In the current deferral letter and statement, the applicant also states that the project has been delayed by the installation of a fuel line in a portion of the property and also by the complexity of the proposed development. The deferral request states that water rights have been proven for the property and that an agreement in principle has been reached with the Albuquerque/Bernalillo County Water Utility Authority to provide services. It also states that a traffic study has recently been submitted to County Public Works.

However, several County departments and other agencies have recently reported to Planning staff that while meetings took place with the applicant's agent in 2008 and early 2009, no new materials have been submitted, and that any materials that have been presented were highly conceptual. In particular, revised drafts of major plans that would impact the proposed development and the area of the site have not been submitted for such components of the plan as grading and drainage, terrain management and soils, utilities, land use, parks and recreation, water and water conservation, and transportation. According to County Public Works, a traffic study was recently submitted by the applicant, but it had many issues. Staff has therefore concluded that significant progress has not been demonstrated with regards to the need to address staffs' comments and produce a relatively complete revised version of the Valle del Sol Master Plan. In addition, the applicant has not provided a justification for or an alternative to the land use plan submitted in August 2007 that staff had deemed as unacceptable and contrary to the policies of the Comprehensive Plan. Although the subject property has development potential, it also has major issues (Tijeras Arroyo, railroad, escarpment, proximity to airport and Kirtland Air Force Base) that would limit the types and extent of development that could take place on the site, and the applicant has yet to address these issues.

ADDITIONAL STAFF COMMENTS, SEPTEMBER 1, 2010

Case History.

This request for approval of the Valle del Sol Master Plan was considered by the CPC at the April 7, 2010 hearing. The case had been heard and deferred in October 2007 and deferred again in 2008 and 2009. The main issues with the case had been:

- Insufficient information and justification for land uses
- Inconsistency with Comprehensive Plan: Reserve and Developing Urban (goals and policies, including self-sufficiency, sense of identity, and exceeding allowable density)
- Water and sewer availability usage, water rights, conservation
- Terrain management – existing slopes, loose soils, Tijeras Arroyo
- Grading and drainage
- Transportation
- Parks and open space
- Vicinity map and acreage, including the Railroad Spur.

At the time of the April 7, 2010 hearing, the agent had requested another deferral to allow the completion of a new draft of the master plan which would address the issues (Attachment 6). At the hearing, based on the time that had lapsed since the initial application and hearing with no acceptable materials submitted, the County Planning Commission (CPC) elected to hear the case. After hearing testimony from County staff and the applicant's agent, as well as from representatives from the City of Albuquerque, Kirtland Airforce Base, and the Albuquerque International Sunport, the CPC concluded that the applicant had not made significant progress in addressing the concerns of staff, agencies, and jurisdictions since 2007 and had not demonstrated that the proposed plan would comply with policies for land use in the Albuquerque/Bernalillo County Comprehensive Plan. The CPC therefore decided to recommend denial of the Master Plan (Attachment 7).

The applicant then appealed the decision of the CPC to the Board of County Commissioners with the argument that the CPC's decision not to grant the deferral was inappropriate and that the findings for denial of the Master Plan were adopted in error. In the appeal statement, the agent stated that at the time of the hearing, the revised plan was close to completion, but that the CPC did not allow the additional time required for finalizing the new draft (Attachment 8). The appeal requested a remand of the case to the CPC and included a revised draft of the Master Plan. On May 25, 2010, the BCC considered the appeal request and then voted to remand the case to the CPC for consideration of the revised master plan.

Resubmittal details (Plan dated 7/26/10)

The applicant has revised the master plan in a manner to establish conformity with the Albuquerque/Bernalillo County Comprehensive Plan and to address comments and concerns that have been noted regarding the project. Revisions have been made to the plan including the presentation/appearance of the plan and details on existing conditions, including challenging features of the site which include a large area in easement, including University Blvd. and the Tijeras Arroyo, a floodplain adjacent to the Arroyo, and the site's topography with

a steep slope in the northwestern portion of the property and a steep escarpment in the southeast portion of the property.

The Plan also includes new plans for land use and zoning that attempt to achieve compliance with Comprehensive Plan. This includes a number of individual plans and responses to staff and agency comments. Other Plans/studies/discussions within the plan include the following

- Cultural resources – general strategy for sites, Railroad Spur
- General terrain management goals (Tijeras Arroyo, stormwater, trails)
- Traffic/transportation (roads, traffic study, off-road motorized vehicles)
- Infrastructure (drainage, flood control, Tijeras Arroyo, water availability, water conservation, utilities (water, wastewater), stormwater quality, electric, gas, impact fees.)

Staff has been reviewing the revised plan for its technical elements, and the comments are summarized on pages 20-21 (below).

Land Use.

Elements of the revised land use plan are as follows:

The land use/master plan (pages 18-20 of Plan) proposes relatively distinct land use areas created largely by the natural features of the site--industrial in the northwest corner bounded by the railroad easement, single family residential from the railroad up to the Tijeras Arroyo, commercial and multi-family and single family from the Arroyo to the south side of Los Picaros up to the proposed open space within the escarpment, and finally industrial in the southeast portion of the site.

The land use allocation has been reconfigured to reflect a change in land uses and to account for easements, with approximately 351 acres (now out of a total of 551 acres) designated as 'buildable.' The area devoted to residential uses has been reduced from approximately 230 acres to 120 acres with a reduction in the number of dwelling units from 2057 to 1085. Accordingly, the area devoted to industrial and commercial uses has increased from approximately 100 acres to 160 acres, and the area to be dedicated to parks and open space has increased from approximately 46 acres to 70 acres. In particular, the designated land uses in the southeast portion of the site have changed from multi-family, single family, and commercial (2007 Plan) to industrial with more open space nearby the escarpment. The proposed land use allocation is:

Land Use Allocation – 7/26/10 Plan

<u>Land Use</u>	<u>Acres</u>	<u>% of buildable area</u>
Multi-family	23.4	6.7
Single family	97	27.6
Industrial	123.8	35.2
Commercial	37.4	10.6
Parks	11.3	3.2
Open Space	<u>58.49</u>	<u>16.6</u>
Total	351.4	99.9

The revised plan states that associated zoning would be R-1/Special Use, R-2, C-2, and M-1/Special Use Permit, all with the design standards proposed later in the plan. The revised plan identifies a neighborhood activity center to be located along Los Picaros that will include commercial and higher density multi-family uses.

Phasing. According to the Master Plan, the phasing of land uses could be as follows: Industrial, arroyo, westerly residential and commercial, easterly residential and commercial.

Design standards. The Plan now provides recommended guidelines that could apply to development within the Plan area and foster a sense of cohesiveness. These include orientation, setbacks, and buffering of commercial and industrial buildings, inclusion of multi-family uses in the Village Center, residential setbacks, roads, and building orientation within residential subdivisions, roof-top devices, signage, landscaping at entries to community, streetscapes, architectural styles, building heights, and walls.

Residential Density. Information is also provided in the current Plan on the acreage of buildable and non-buildable area (e.g., easements) which allows an approximate calculation of both net and gross acres allotted for residential uses.

Gross Density Allowance in Plan (Based on Comprehensive Plan)

	Gross Acres	dwelling allowed	dwelling proposed	Density
Developing Urban (5du/acre)	119	597	--	--
Reserve (3du/acre)	431	1293	1085	2.5

Revised Justification. The revised Master Plan now includes a justification for the proposed land uses based on the Albuquerque/Bernalillo County Comprehensive Plan. It states that the proposed development will be consistent with goals and policies and for the Developing Urban and Reserve Area. The current Plan also argues that the allocation of a total of 1085 dwelling units has been reduced from the previous request and is appropriate for the site and consistent with the Comprehensive Plan, particularly if gross acres are used, as above.

Developing Urban. Approximately 120 acres of the site (northwest corner) falls within the Developing Urban Area. The Master Plan indicates that this area will be zoned Industrial or M-1, related to the presence of the airport and runway to the north and industrial uses to the west. The Master Plan states that this use complies with Comprehensive Plan goal and policies for the Developing Area that call for a quality urban environment, development nearby existing services, design that conforms to existing topographical features, residential development up to 5 dwelling units per acre, and commercial development that is separate from residential uses.

Reserve. Approximately 430 acres of the subject property fall within the Reserve Area. The Master Plan states that the residential development will meet the density requirement of a maximum of three dwelling units per acre (Policy b). The expectation is that some of the density from the land in the Developing Urban Area (to be industrial) could be transferred to the Reserve Area to allow a higher density and that the community will be separated from the urban area (as required by the Comprehensive Plan for the Reserve Area) by open space along the Railroad Spur. The Plan argues

(p.24) that the commercial and industrial areas will help create self-sufficiency in the provision of employment, goods, and services, as required for planned communities in the Reserve Area. The Plan further argues (p.46) that the Plan area will have a sense of identity based on the proposed high quality development, improvements to the Tijeras Arroyo, open space networks, and unique views. It also is centrally located and responds to surrounding land uses.

Open Space. The Master Plan states that Open space to be located in the southern escarpment and within and adjacent to the railroad easement along with parks and a network of trails and bike paths both address the Comprehensive Plan goal and policies for Open Space and will tie into existing networks.

Additional Analysis. In the report for the 2007 Valle del Sol Master Plan, staff noted a number of issues with the information and justification provided for land use on the site. This included an acceptable justification based on the Comprehensive Plan, additional details on the proposed land uses and land use mix, including gross and net acres, and on design standards. While there has been attempt to clarify these issues, a number of questions and issues still remain with the land use plan and justification.

1. Master Plan does not appear to meet the goal and several of the policies for the Reserve Area which require:
 - *Sense of place, self-sufficiency, environmental sensitivity, separation from the contiguous Albuquerque urban area by permanent open space* (Policy d) in that the proposed development is not physically separate from Albuquerque or self-sufficient. Although improvements have been made to the Master Plan, it still does not convey a sense of community identity for the plan area but rather refers to the development as a transition or infill that is based on adjacent land uses. It also is not clear what employment opportunities will be created within the development.
 - *The provision of infrastructure which is not a net expense to the local government(s)* in that it is not clear in the Master Plan how the numerous improvements required by the Plan will be financed and undertaken (Policy a, Policy d). The Plan also requests waiver of impact fees to offset some of the costs of the development. No evidence is provided of negotiated *sharing of service costs by the developer and the local government, with water, sewer, and street systems installed to meet City requirements* (Policy a). Accordingly, if the Plan does not meet these criteria, the development must follow the policies, goals, and density of the Rural Area, including a density of 1 dwelling unit per acre.
 - Density – Policy b of the Comprehensive Plan (Reserve Area) states that *overall density shall not exceed three dwelling units per acre* (as opposed to one dwelling unit per acre in the Rural Area) and that *land which is already in public ownership (whether fee or easement) is not considered in calculating density, but all other land is counted*. The figures (below) indicate that the proposed density (more than 3 dwelling units per acre—net acres but including open space) still is

too high (the calculations for the previous plan, based on gross acreage also exceeded the density allotment).

Allowable Residential Density in Plan (easement not included)*

Comprehensive Plan Designation	Net Acres	Number of units (Maximum)	Units proposed	Density
Developing Urban (5 du/acre)	74	370	0**	
Reserve (3 du/acre)	322	<u>966</u>	<u>1085</u>	3.3 du/acre
Total		1336	1085	3.3 du/acre

* The Comprehensive Plan recommends that easement not be included. (Previous plan did not distinguish between gross and net acres).

** The Master Plan shows this area with Industrial Use.

As shown in the above table, the number of units and density proposed would exceed that allowed by the Comprehensive Plan Reserve Area. Although the Comprehensive Plan states that density may be transferred from one area to another it appears that this would be allowed with clustering and open space not between one Comprehensive Plan Area and another with a proposed non-residential development as proposed in the revised Master Plan.

The request and land use map also do not show residential density areas or the range of densities within the residential areas, both single family and multi-family residential uses. These details could help to demonstrate consistency with the Comprehensive Plan policies for both Reserve and Developing Urban areas that recommend quality development that relates to the area of the site.

2. Consistency with Developing Urban Area Policies. The request also appears to conflict with policies of the Comprehensive Plan for the Developing Urban Area. Contrary to Policy e, the subject property does not appear to be contiguous to existing or programmed urban facilities, as much of the surrounding area is still undeveloped. Although the property is adjacent to the International Sunport, access or a plan for connection to the Airport has not been approved. The land use plan also conflicts with Policy j that states that new commercial development in Developing Urban areas should generally be located in existing commercially-zoned areas.
3. Consistency with the Comprehensive Plan Centers and Corridors Plan – The current request is proposing approximately 161 acres (45.9%) of commercial and industrial uses for the buildable area of the site (with 34% of the area for residential uses) and states that a community commercial center will be located within the proposed commercial area. The Plan does not justify such a large percentage of non-residential uses, nor does it provide information on the specific features of the non-residential uses. If the Comprehensive Plan Centers and Corridors Plan is applied to the property the following conclusions could be made: a) the subject property is not in a designated commercial area on the Centers and Corridors Map while areas nearby the site (e.g., in Mesa del Sol) are designated as major activity centers or

community activity centers; b) the Master Plan does not address the goal or policies for activity centers that include review based on the criteria in Section 7.e of the Comprehensive Plan including showing the impact of the proposed center on the surrounding area and on the features associated with Activity Centers (Policy 7a, Table 10) of the Comprehensive Plan.

Given the large percentage of the site now proposed to be devoted to non-residential uses, including at least commercial center, the plan should comply with the policies and requirements for Activity Centers, and more information on the specific uses allowed and prohibited should be provided.

4. Design Standards – appear to relate to principles of good planning practice (e.g., building size, orientation, location) but it is not clear how they relate to specific development or how they will be implemented.

Additional Staff and Agency Comments

Comments of agencies for the revised Valle del Sol Master Plan are summarized below.

Public Works (Development Review) indicate that the Traffic Impact Study has not been approved and that Mesa del Sol Development must be taken into account in the study. The issue of the Rail Road Spur easement within the property should be resolved with Kirtland Airforce Base.

Public Works (Drainage) comments state that a grading and drainage plan (which includes the drainage for the entire site, the Arroyo, and the floodplain) has been submitted but that the comments from staff had not yet been addressed. The comments from AMAFCA indicate that the plans submitted by the agent are acceptable with conditions of approval to be met upon development.

Public Works (Hydrology) comments state that a number of issues have been addressed regarding water conservation and stormwater management. However, there still are issues with the water budget, including an insufficient quantity of water for the development and no guarantee of service from the Water Utility Authority.

Environmental Health comments indicate that a number of issues must be addressed by the time of subdivision of the property. These include the issue of water availability, wastewater disposal, rainwater harvesting, and existing landfill on the property.

Parks and Recreation comments state that Bernalillo County will not accept or maintain any of the open space depicted in the as part of Bernalillo County's open space network. Bernalillo County Open Space and that impact fees will not be credited to the developer, contrary to the Plan's request (p.46). Other concerns are with the power line that crosses the proposed trail along the Tijeras Arroyo, with the two proposed parks (only the easterly one could be accepted by the County), and with ensuring that the proposed parks are designed and constructed to County standards.

City Open Space comments state that the City has not approved the transfer of open space as proposed in the Master Plan. The applicant must work with City Open Space to meet its requirements related to the open space and adjacent development. In addition, the comments state the Master Plan conflicts with the Albuquerque/Bernalillo County Comprehensive Plan, Facility Plan for Arroyos, the Major Public Open Space Facility Plan, and two drainage Management Plans which indicate the Tijeras Arroyo should remain in a natural state. Additional archaeological work must be done on the existing sites within the development.

City Transportation (Planning and Development) notes a number of issues with the road plan and is requesting to review and approve the Traffic Impact Analysis (TIA) for the development. The road system and approvals for proposed access points (e.g., Los Picaros Rd., University Blvd., Air Cargo Rd.) should be clarified along with the impact of the development on the surrounding area. Improvements to the existing roads, realignments, or new access points have not been approved or funded (e.g., Los Picaros is currently a two lane road shown in the plan as a four-lane road). The road system must conform to the approved TIA.

NMDOT is also requesting to review and approve the TIA for the development's impact on State roads.

PNM has a number of comments and issues related to proposed relocation and construction of electrical lines along with a proposed electrical sub-station, none of which have been approved or funded. The applicant must consult with PNM regarding the issues.

APS comments state that the development will impact elementary schools in the South Valley nearby the site. The development should include a provision for a school.

Conclusion

The Valle del Sol Master Plan was submitted in 2007 for 540 acres of vacant land with A-1 zoning to the south of the Albuquerque International Sunport and north and west of Mesa del Sol, and the request has been deferred a number of times to allow the applicant to address the issues with the first draft of the plan. The current plan is an improvement over the previous version, and staff and agency review indicates that a number of the technical issues have been addressed, particularly the plan for the management of the Tijeras Arroyo (from AMAFCA) along with many of those from County Parks and Recreation and Public Works (Hydrology).

However, there are still quite a few technical issues that have yet to be fully addressed and are critical to the applicant's demonstrating the development potentials of the subject property and which could impact the proposed land uses. Staff recommends that the applicant complete the following prior to approval of the Master Plan:

- Obtain approval for the Traffic Impact Study and the transportation plan
- Obtain approval for the open space to be dedicated to the City of Albuquerque and address the concerns regarding the major work proposed to the Tijeras Arroyo and adjacent floodplain
- Demonstrate sufficient water for the development
- Address staff comments on the grading and drainage plan
- Address comments regarding providing or relocating power lines and providing substations

- Provide a new Geotechnical Report for the specific development (Report submitted to staff is from 1984 for different uses). Address the issues with soils/terrain management raised in the Geotechnical Report
- Address APS requirement of a school in the development
- Explain how the existing archaeological sites within the property will be properly remediated.

Issues with the presentation of the plan should be addressed as well:

- Ensure consistency in the acreage of the site and land uses throughout the Plan
- Remove responses to staff and agency comments and redundancies from the Plan and include in separate documents or appendices. Make the plan more concise and better organized.
- Remove the map of existing cultural resources from the Plan (per State statute).

Staff has noted that although more information has been provided, the proposed land use plan still has many issues. These include acceptable information on the following:

- details on community and neighborhood identity
- details on the types and location of specific land uses
- justify the proposed land use mix
- details on the viability of the proposed land uses given the limited approved access to the development
- details on variations in residential densities, subdivisions
- clarification on the ownership and acceptable use of the Railroad Spur
- phasing of uses as related to provision of infrastructure.

In addition, the applicant has not justified the request based on the Comprehensive Plan Policies that pertain to the subject property, including the proposed commercial and residential uses and the proposed residential density (net). It appears that the proposed development is too intense for the site and for the area in which it will be located. In particular, the current request does not adequately argue that the development meets the requirements and policies for the Reserve Area, which in exchange for higher density and intensity of uses requires evidence of relative self-sufficiency and ability to develop the site without an expense to local governments. If these requirements are not met, the area of the site in the Reserve Area would need to follow the standards and policies of Rural Area, including low-density residential and rural-scale commercial development. The Plan also does not consider the Centers and Corridors Plan which governs proposed activity centers in Albuquerque/unincorporated Bernalillo County.

The request would thus need to address the issue of compliance with the relevant Comprehensive Plan Policies and the numerous issues with the topography and natural features of the site in a manner that shows the forethought and fiscal resources for the actual development. Although there has been some progress in addressing some of the issues, the current Master Plan is still highly conceptual and not responsive to the conditions of the site and the area in which it is located.

Staff is therefore recommending a deferral of the request for the applicant to continue to address the comments raised by staff and agencies. Given the scale and the potential impacts of the proposed development on adjacent properties the comments must be sufficiently addressed prior to approval of the Master Plan.

Analysis Summary (for 9/1/10)

Zoning	
Resolution 116-86	N/A
Requirements	Provide more specific information for zoning (area requirements, setbacks, landscaping, parking) and land use.
Plans	
Comprehensive Plan	Request has yet to be justified. Not consistent with goals and policies for Reserve and Developing Urban Areas. Residential density exceeds that allowed by the Comprehensive Plan.
Area Plan	Not applicable.
Other Requirements	
Environmental Health	Address requirements for water, removal of landfill, wastewater, water harvesting prior to subdivision.
Public Works	Provide acceptable grading and drainage and stormwater retention plan, traffic impact study, availability statement, sufficient water rights. Address comments of City Transportation.
Parks and Recreation	Meet County standards for parks and trails.

RECOMMENDATION:

DEFERRAL of SPR-70004.

Catherine VerEecke
Program Planner

BERNALILLO COUNTY DEPARTMENT COMMENTS

Building Department:

NO ADVERSE COMMENTS.

Environmental Health:

Sewer Availability Statement

Sewer appears to be available within the region but not necessarily available to the Valle del Sol site. Water does not appear to be available for this project.

The serviceability letter from the ABCWUA for this site does not include any commitment for water or sewer service to the Valle Del Sol subject properties.

At this point in time municipal water and sewer is not available to serve this site.

Sewer and or water infrastructure shall be constructed or financially guaranteed as per ABCWUA & COA DRC and County Public Works. Coordinate this with Bernalillo County Public Works proof of connection to water and sewer shall be provided to Bernalillo County Office of EH.

Sec. 74-95. Sewer Availability Assessment

(a) Subdivisions that propose to be served by an existing public utility shall provide a sewer availability statement, from the approved utility, which contains the following information:

- (1) Name of the utility proposed; and
- (2) Letter of intent from the utility that they are ready, willing and able to provide this service for the subdivision.

(b) A sewer availability assessment shall be submitted by the sub divider.

Geo Technical Report

Prepare and submit to the Office of EH.

1. A geotechnical report that identifies seasonal high ground water.
2. A map showing all areas in the "maximum probability flood level.
3. A map showing all Building pad[s] locations in the "maximum probability flood level".

NOTE: Bernalillo County Sub-division Ordinance Sec. 42-102. Terrain Management Plan

Sec. 42-102 f. Flood Plain Management

f) Flood plain management.

- (1) All subdivisions shall be planned and located to:
 - a. Allow the development in such a manner as to lessen the impact on the flood plain and the damaging effects of floods;
 - b. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazards; and
 - c. Promote the development of private and public uses such as open space, greenbelt, recreation and wildlife habitat in areas subject to flooding.
- (2) Flood plains may not be used for:
 - a. Construction of buildings for human habitation unless all usable floor space is constructed above the maximum probability flood level; and
 - b. Structures, excavations, or deposits of material which acting alone or in combination with existing or future works could obstruct flood flows or adversely affect the capacity of the flood plain.
- (3) Floodways and flood fringes may not be used for:
 - a. Structures designed for human habitation;
 - b. Structures with a potential for high flood damage; and
 - c. Permanent sheltering and restrictive confining of animals.
 - d. Storage of hazardous materials.
- (4) No development may be undertaken within a floodway except as provided in this section and the Bernalillo County Flood Hazard and Drainage Control Ordinance.
- (5) In approving a sub divider's plat, the board of county commissioners may as a condition of approval require fills, dikes, levies or other diversion measures to protect the subdivision from floods.

HAZMAT

The applicant is "encouraged" to submit an Environmental Investigative report that identifies any unexploded military ordinance that may be present on this site.

At this point in time the US Army Corp of Engineers is concluding a study determining the extent of military ordinance on this site.

Comments and Requests

1. Provide the Office of EH with current copy of the Phase 1 Environmental Site Assessment.
2. Provide the Office of EH with current copy of the Cultural Resources Survey.
3. Provide the Office of EH with current copy of the Geotechnical Investigation.
4. Provide the Office of EH with data surmised in the "Conclusion" statement of the Valle de Sol plan, page 24.
5. Provide a mosquito control plan for all on-site ponding.
6. Provide the Office of EH a "mitigation plan" for the removal of "buried and surface trash, debris and garbage", and "lead from expended bullets and shotgun shells".

NOTE:

On page 24, "Conclusions", of the Valle Del Sol submittal, is a comment made in the first Para. 2nd sentence.

"Environmental and ergonomic impacts have been mitigated and assimilated into the overall design. The engineering challenges have been turned into aesthetic assets and environmental dividends."

Ergonomics is the study of "Human Factors" as related to people in the work place, sports and leisure and is not applicable in a site development project of any scope. The comments in the "Conclusion" are unfounded, unproven and erroneous.

NOTE:

The Valle Del Sol plan comprising of submitted documentation has not been presented in real time. This plan, information and documentation are antiquated, fragmented and incomplete.

A "Negative Opinion" is thereby issued from Bernalillo County Office of Environmental Health.

For 9/1/10

Subdivision approval by BCEH is contingent upon, however not limited to, applicant meeting the following requirements:

1. Demonstrate an adequate method of domestic water supply as defined by the BC Subdivision Ordinance, 0.6 acre/ft/yr per dwelling unit.
2. Demonstrate an adequate method of wastewater disposal as defined by the BC Subdivision Ordinance and/or the Bernalillo County Wastewater Ordinance.
3. Rainwater harvesting systems must meet the design standards as established by

applicable regulations.

4. Illegally dumped material shall be removed from the property and disposed of in an approved solid waste disposal facility.

5. All required setbacks to landfill areas must be met.

Zoning Enforcement:

NO ADVERSE COMMENTS FROM ZONING ENFORCEMENT AT THIS TIME

Zoning Administrator

9/1/10

No comments received.

Fire:

No comment received

Public Works:

DRAN:

1. Provide Zone Atlas page with site location identified.

2. Provide a floodplain map with the site location identified.

3. A conceptual grading and drainage plan will be required for the entire development as part of the approval process. This grading and drainage plan must conform to applicable sections of the "Tijeras Arroyo Drainage Management Plan", must include references to existing master plans in the area, must work in conjunction with existing developments and must allow for future developments in this area.

The Public Works Division is particularly concerned that the Master Plan Report does not indicate the locations of proposed settlement ponds to control stormwater reaching the site from off-site basins to the north, existing and proposed stormwater infrastructure affecting stormwater to the site from the Mesa Del Sol development, and proposed on-site overland and storm drain systems.

Please contact Jame Eisenberg, PE of the Public Works Division for additional information and to further coordinate the conceptual plan. Mr. Eisenberg may be reached at (505) 848-1511.

For 9/1/10

A conceptual grading & drainage plan has been submitted for this project. Additional information has been requested from the applicant.

DRE: Development Review

Comments for Oct 3, 2007, CPC Hearing.

1. The traffic component of the Master Plan Report would benefit from additional information about how the different areas of the Valle del Sol will be served by roads, bike

lanes and trails. For example, it would be helpful to clarify how the Transportation Plan (Figure 5) provides access to all residential areas.

It would also be helpful if the statement, "provisions will be made for bicycles and pedestrians within the street right-of-way and on separate bicycle/pedestrian pathways" (p. 14) were accompanied by a map and cross-sections showing the pathways and bike lanes. The document contains a transit paragraph (p. 14) that states transit services are not the responsibility of Valle del Sol. Access to the transit service is an important transportation issue for any proposed development. It would be helpful for the Master Plan to identify how the proposed street network, pedestrian and bicycle facilities, would potentially provide access to regional transit.

A Traffic Impact Analysis (TIA) encompassing all development of this proposed Master Plan is required and is recommended to accompany the Master Plan. If a TIA is prepared and approved with the Master Plan, supplements to the TIA may be submitted as the development proceeds.

For 9/1/10

Condition of Approval: Final Traffic Impact Analysis must be submitted and approved. During review of the initial Traffic Impact Analysis, it did not address traffic from Mesa Del Sol Development.

RR Spur is still occupied by Kirtland AFB, and is not vacated. Owner must work with Kirtland AFB concerning this Spur.

Streets must conform to County Standards.

HYDRO:

Water Conservation. There is no mention of water conservation anywhere within the document. Applicant must show design elements that will allow residential use to meet current, stringent requirements of the ABCWUA.

There is no discussion of grading and drainage, low impact design, or other plan wide elements that will be used to promote rainwater retention, water harvesting, use of rain water for irrigation purposes etc. These are necessary elements under the Bernalillo County Water Conservation Ordinance and for larger scale features must be addressed in the Master Plan and/or consideration shown.

There is no indication of where parks will be located and no discussion of water conservation requirements associated with the parks.

Water Resource. Bar Scale and stated scale on Figure 2 land usage are not consistent.. I've assumed graphic scale is correct for comments below.

Of major concern for development of this area in general is the presence of two key hydrogeologic recharge features. Hawley (1996) in Hydrogeologic Framework of Potential Recharge Areas in the Albuquerque Basin, Central New Mexico (NMBMMR Open File

Report 402D, Figure 1-9 and Plate 20) identifies the area upstream of the project as the Tijeras Canyon Arroyo Window and the downstream area within the project boundaries as the Tijeras Canyon Recharge Reach.

The known recharge window feature encompasses the juncture of the Tijeras and Coyote Arroyos and extends downstream and westward almost to the edge of the KAFB boundary. This area is also identified by Plummer et al. (2003, USGS WRIR 03-4131, p. 159) as an area of distinct water chemistry and indicates that "potential sources of recharge to the zone are the infiltration of surface water through the arroyo and ground-water-inflow from the Tijheras Arroyo watershed upstream of the basin. The USGS report indicates the same extent down the arroyo as does Hawley. The USGS groundwater model (WRIR 02-4200, Figure 7) based on the above studies provides for specialized tributary recharge cell designation on the eastern boundary of the window (and outside of the project area). Although not in the immediate project area, developments on the margins of such area need to address the protection of such areas.

In the immediate project area, Hawley (1996) identifies the entire reach of the Tijeras Arroyo downstream of the recharge window as a potentially important "Recharge Reach". A "Recharge Reach" is defined as "channels of a major ephemeral stream with watershed areas commonly exceeding 20 square miles. Coarse grained channel deposits of large arroyos and washes are separated from Santa Fe aquifers by permeable (lithofacies) units in vadose zones that are ususally less than 200 to 300 ft. thick. The USGS Model (WRIF 02-4200, Figure 12) identifies moderate to high hydraulic conductivity in the project area for the upper 5 of 10 hydrogeolgic layers identified in the model.

These designations suggests that this area (1) may be vulnerable to contamination from surface activities (2) may be contributing to recharge when what flows through the arroyo reach (3) may be an area suitable for use for artifical recharge activites. None of these issues is addressed in the current master plan.

Additionally, the USGS maintains various instrumentation stations that warrant protection as part of the Master Planning Process, in particular the USGS piezometer nest located at N 35 00 56 and W 10 37 01 (north and slightly east of the west end of the dragway) and the rain gauge located further to the east at the exisitng city faciliateies. These appear to be located east of the project area.

It is recognized the ABCWUA will not provide a serviceability letter until such time as the Master Plan is approved. However, applicant must provide a current letter from the ABCWU indicating that the plan has been reviewed and that ABCWUA is in support of the project. Availability letters will be required as part of the subdivision process.

Additionally, at the Master Plan stage, applicant must provide a conceptual water and sewer utility plan that identifies size and anticipated location of distribution lines, sewers, and all associated key infrastructure elements such as pump stations, lift stations, booster stations, location and sizing of tie-in points to existing infrastructure. The existing plan is inadequate, the next level of detail is needed.

Additionally, applicant must address the issue of water rights - are there any associated with the property and if not, how will such rights be acquired - through direct acquisition, through ABCWUA surcharge etc. Also, under what permit will the well identified in Figure 8 be drilled - what is the intent of the well with respect to the ABCWUA?

Additionally, applicant must provide an anticipated/conceptual water budget for the project including residential use, commercial use, common areas and parks, and any median or buffering landscaping and must identify how any common area irrigation needs will be addressed.

Additionally, applicant must provide discussion of design elements that will be used to demonstrate ability to fulfill conditions of the future-required availability letter pertaining to water use limitations and restrictions per requirements of Sec 74-81 (2). This letter will likely indicate that residential use must be no more than 180 gpd per household.

Also, with respect to the relocated sewer line, has approval/discussion been had with ABCWUA regarding the relocation of the line? When relocated, what will be its orientation with regard to the extent of the 386 ft Arroyo ROW?

Stormwater. There is no mention or discussion of low impact development design or specific measures to be used for stormwater quality protection. Given that the Tijeras Arroyo is THE major drainage feature in this portion of the County, it would behoove the applicant to discuss what features, elements, and design will be present to ensure compliance with NPDES and AMAFAC requirements.

There is no discussion of BMPs that address the quality of stormwater runoff after construction activities have been completed. Bernalillo County's Stormwater /Storm Drainage Ordinance Sec. 38-147 specifically covers Stormwater quality protection for both construction and post-construction activities.

There is also no discussion of any water conservation practices which would have corollary benefits to the quality of stormwater runoff. Section 9 of Bernalillo County's Water Conservation Ordinance references the regulations for new design and construction.

Master Plan should address multiple key elements

Clear delineation of path forward with respect to channel alignment and protection per documented directives and conversations with AMAFCA

Consideration of combined effect of stormwater runoff inclusive of future effects from Mesa Del Sol and this Master Plan

Consideration of effect of additional runoff from urban setting on erosion potential (i.e. clean water vs sediment laden)

Consideration of effect of additional runoff on stormwater quality discharging to the South Diversion Channel and directives from AMAFA in that regard

Consideration of effect of stormwater quality on underlying groundwater quality.

Consideration of "Prudent Limits of Development Study" for the project area.

For 9/1/10

Water Conservation

UPDATE 8/3/10 based on 7/26/10 Master Plan Update:

Most of the previous comments from 2007 have been addressed on Page 40.

For clarification, new development will be subject to the terms of the new water conservation ordinance, which depends on selection from a list of available options. Use of collected rainwater for toilet flushing is not included, but could be addressed, perhaps, by variance. The emphasis in the Ordinance is collection for use for irrigation which is also mentioned in the plan.

Statements on page 40 requiring cistern collection may be in conflict with statement on p. 29 indicating "Roof drains from commercial and industrial buildings will discharge either directly to underground collection piping or to protected surfaces. Is underground collection piping meant to be synonymous with the cistern collection system? And what type of protected surfaces are envisioned? Should these elements be reiterated in the design standards.

Also, p. 38 and figure on pg. 41 indicate the installation of reuse water lines, which is acceptable and favored. What will be the phasing of the reuse line installation? Will it be phased or will it be part of initial utility construction?

P. 38 refers to use of design covenants to restrict runoff and is cross referenced on p.40 as also promoting water conservation. While an acceptable and desirable management tool, private covenants are not enforceable by the County.

There are no mentions of water conservation element included within Section 9 Design standards and probably need to be included within Site Design for commercial collection for toilet rainwater harvesting, and promoted under the residential elements. And the use of curb cuts and street median harvesting should be mentioned under streetscapes and parking lots.

Water Resource

Previous comments have largely been addressed.

1) Recharge window issues have been addressed by soft lining of arroyo as described on Page 40 - middle column.

2) Location of various USGS gauging facilities indicates they are outside of the designated master plan area.

3) P. 14 of the plan quotes from a 2006 ABCWUA availability statement. Comments from 2007 in KIVA indicate the Water Authority did not support the utility plan at that later date, though no specifics are given. "ZSPR - 70004 This utility plan will not be acceptable to the Water Authority. Water is not available to the project at this time. RG/ma 9/14/07"

It is recognized the ABCWUA will not provide a commitment for service until such time as the Master Plan is approved. However, applicant must provide a current written position from the ABCWU indicating that the plan has been reviewed and clearly stating ABCWUA's current position on the master plan and any required development agreements. Applicant is hereby advised that a current availability statement will be required as part of the subdivision process.

4) Applicant has provided a acceptable conceptual utility plan on pages 41 to 46.

5) Applicant indicates on p. 34 that a new water system is planned "until such time as the system is accepted by the ABCWUA under the development agreement now being negotiated". A statement from ABCWUA is warranted on status of such arrangements and will have to be fully defined at time of subdivision application.

6) Applicant has provided information on water rights (408 acre-feet) and has identified the associated permit (Appendix D) and shows intended well location on the appropriate diagrams. Applicant has also provided a conceptual water budget (Appendix E). However, several issues need discussion, as the applicant's conceptual water budget shows need (600 acre-feet) in excess of available water rights (408 acre-feet). See Comment 7 for more detail.

7) As currently presented, with 408 acre-feet of water right, the master plan will not be able to pass through final plat as part of the subdivision process, unless ABCWUA has accepted the system and will be providing the requisite water and attendant availability statement, or alternately proof of additional water rights are provided.

Subdivision ordinance requires for final plat approval that the applicant provide an OSE-issued permit "sufficient in quantity to meet the maximum annual water requirements of the proposed subdivision and authorized for this purpose". The current permit appropriates 408 acre-feet, yet the conceptual water budget provided by the applicant indicates a need of 600 acre-feet. Staff calculations show a range of 427 ac-ft (with extremely low, conservation driven values for all categories) to as high as 1,037 acre-feet using required planning values and high-end values for the designated categories.

Please note that the residential use portion is prescribed by Ordinance to be calculated at 0.6 acre-feet/parcel. Making this substitution alone drives the proposed water budget to a total of 821 acre-feet, suggesting a water rights deficit of over 413 acre-feet. The conceptual water budget presented uses a value of 147.55 gallons per day (0.17 acre-ft/yr) for single family residential rather than 0.6 acre-feet/yr as required by Ordinance (Sec 74-92), thus that portion of the conceptual water budget understates the Ordinance required allocation by a factor of 3.5. Additionally a proposed value of 0.17 acre-ft/yr would be more typical of East Mountain usage with extreme conservation (say Tranquillo Pines) than Urban usage, where the conservation goal at present is 180 gallons per day and is not in touch with reality.

Furthermore, something appears off with the base numbers, which indicate multifamily use is greater than twice the use of single family residential. This doesn't make sense since given the lack of landscaping typically associated with multifamily compared to single family, nor does it comport with values from around the country showing apartment values to be typically 1/2 to 1/3 of single family dwelling values.

The conceptual water budget provided is supposedly based on typical use numbers from the ABCWUA, but cannot be verified with respect to industrial and commercial values for use. The values proposed, however, are not unreasonable, but likely understated for industrial use. The development of use factors for industrial and commercial is appropriate and allowable for non-residential subdivisions and all water uses not directly related to residential uses within a mixed development subdivision (Sec 74-92 (2)), however, substantiation of the numbers is needed.

From a source water protection standpoint, state and federal recommendations for any new well would require a minimum of 250 feet, preferably more, from the former landfill. However NMED landfill siting regulations require an offset of 1,000 feet of the landfill from the existing public supply well. In either case, the distance from the proposed well location to the nearest point of the former landfill is approximately 1,500 feet.

8) Applicant has been verbally and is hereby advised in writing, that if the Master Plan is approved, a revised water budget will be required (Sec 74-92 (a) and (b)) and that proof of water rights must in total meet the identified need for water, prior to final plat approval (Sec 74-93). A reasonable plan/schedule to acquire any deficit water rights prior to final plat approval must be presented at the time of preliminary plat approval. Furthermore, at time of preliminary plat submittal, applicant must provide a water system plan meeting the requirements of Sec 74-76 and 74-94 (c), a detailed hydrogeologic report as specified in Sec 74-96 (d) and/or (f). Furthermore, due to proximity of the South Broadway landfill, the hydrogeologic report must include a well capture zone analysis.

Stormwater Quality

P. 38 refers to use of design covenants to restrict runoff. While an acceptable and desirable management tool, private covenants are not enforceable by the County.

p. 40 refers to postconstruction BMPs and following paragraphs provide discussion of such measures as geotextile lining, etc. Prevention of first flush infiltration through use of geotextile linings is appropriate. However, prevention of all subsequent infiltration through the detention basins as described here is not. Please work with the BCPW Drainage Engineer to resolve design issues pertaining to use of the geotextile liners.

Parks & Recreation:

- The Master Plan refers to the development of trails and bicycle/pedestrian facilities throughout Valle del Sol. Trail and bicycle lane connections within Valle del Sol are a part of the larger network and are critical to creating successful connections between significant facilities along University Blvd., Rio Bravo Blvd., and the existing South Diversion Channel trail. Provision for trails, bicycle lanes, and sidewalks is necessary to allow and encourage pedestrian, bicycling, and other means of transportation to, from, and within Valle del Sol. Applicant shall provide a separate graphic in the Master Plan for trail and bicycle lane facilities that shows existing and proposed multi-use trails, bicycle lanes, and pedestrian amenities, as well as cross-sections of the proposed facilities (trail, bicycle lane, sidewalk, and street cross-section).
- Show adjoining land uses on Figure 2 "Land Usage" to show future connections between existing and proposed Open Spaces, trails, and parks that development of Valle del Sol will facilitate.
- BCPR recommends converting the abandoned railroad spur to a rail trail for future non-vehicular transportation and recreation development.
- The *2030 Metropolitan Transportation Plan, Trails and Bikeways Facility Plan* (1996), and *Long Range Bikeway System* (2001) show a proposed trail along the Tijeras Arroyo. Bernalillo County Public Works has begun design on the western segment of this trail. The Applicant shall design and construct a 12' wide, multi-use trail as part of the first phase of development along the Tijeras Arroyo between Interstate 25 and University Boulevard as identified in the 2030 MTP. Trail alignment is to be coordinated with BCPW and BCPR based on design work completed for the western segment, Tijeras Arroyo ROW and AMAFCA requirements, and a logical connection to University Boulevard.
- The Traffic Impact Analysis should be submitted to BCPR for review.
- BCPR recommends that the applicant change the location of the 2.59 acre park along Interstate 25 to somewhere further east adjacent to a residential area and the required trail along the Tijeras Arroyo so that some level of critical mass for recreational facilities be created.
- The proposed parkland acreage within Valle del Sol is insufficient for the anticipated population. BCPR aims for 1-2 acres/1000 population for neighborhood parks and 5

acres/1000 population for regional parks. Future population in Valle del Sol at build-out is difficult to estimate since the Master Plan does not provide a range of anticipated single family and multifamily dwelling units that could be built under an amended Master Plan. BCPR would consider the undeveloped acreage at the Mesa del Sol Regional Recreation Complex, with appropriate levels of improvements by Valle del Sol, to count toward Valle del Sol parkland needs. BCPR will be undertaking an update of the Regional Recreation Complex Master Plan later in 2007.

- How are the boundaries of the proposed Open Spaces determined? The applicant shall coordinate with BCPR and City Open Space to determine future maintenance and management of dedicated Open Space areas. A slope calculation to determine edges of the escarpment dedicated as Open Space may be appropriate.
- Who does the applicant propose will maintain and manage the park facilities and Open Spaces? BCPR will not manage or maintain any parkland facility in this area except for the Regional Recreation Complex at Mesa del Sol. Open Space maintenance and management needs to be discussed with the applicant and City of Albuquerque Open Space Division.

Conditions of Approval for SPR 70004 (Valle del Sol)

1. Applicant shall provide a trail and bicycle lane map as a separate Master Plan figure that shows existing and proposed multi-use trails, bicycle lanes, and pedestrian amenities, as well as cross-sections of the proposed facilities (trail, bicycle lane, sidewalk, and street cross-section).
2. The Applicant shall design and construct a multi-use trail as part of the first phase of development along the Tijeras Arroyo between Interstate 25 and University Boulevard as identified in the 2030 Metropolitan Transportation Plan.
3. The applicant shall coordinate with City of Albuquerque Open Space Division and Bernalillo County Parks and Recreation Dept. about the dedication and future management areas identified as Open Space. Dedication and management of Open Space shall be addressed in a Development Agreement with the applicant.
4. Parkland improvements at the Mesa del Sol Regional Recreation Complex shall be negotiated in a Development Agreement with the applicant

For 9/1/10

Comments:

1. Pursuant to the master plan, Bernalillo County will not accept or maintain any of the open space depicted in the master plan as part of Bernalillo County's open space network. Bernalillo County Open Space impact fees will not be credited to the developer contrary to what is stated on Page 46.

Conditions:

1. Bernalillo County Parks and Recreation (BCPR) will accept ownership and maintenance of the 5.9-acre park northeast of the intersection of the Tijeras Arroyo and University Blvd. under the following conditions:
 - a. The applicant can demonstrate that at least 5 acres of the park will be comprised of usable park area.
 - b. The applicant submit construction plans for the park, designed to BCPR standards and specifications, concurrent with the first residential subdivision north of the Tijeras Arroyo. Approval of the park construction plans and a development agreement to address the construction schedule and impact fee credits must take place prior to final plat approval of the first residential subdivision north of the Tijeras Arroyo.
 - c. Maintenance of all storm drainage infrastructure and non park-related utilities (e.g. sewer main) within the park is conducted by others and specified in the development agreement.
 - d. All existing overhead electric utilities must be relocated out of the park site.
 - e. BCPR will not maintain the smaller, westernmost park.
2. In addition to connecting to University Blvd., the trail paralleling the Tijeras Arroyo shall pass under University Blvd. within the embankment of the Tijeras Arroyo but outside of the 500 year floodplain. These underpasses have been constructed along other AMAFCA facilities such as the North Diversion Channel.
3. The 86'-wide road section shall incorporate 7' bike lanes (reduce median width).
4. The 68'-wide road section w/pedestrian trail shall incorporate a buffer between the trail and back of curb. AASHTO's recommended width is 5'. This section should be widened to 73'.

Sheriff's:

No comment received.

COMMENTS FROM OTHER AGENCIES

MRCOG:

PO Project ID number 394.0 "University Bd Extension to Mesa del Sol" describes a new 4-lane divided facility from Rio Bravo Bd south to Mesa del Sol. Funding for this project is programmed for FY's 2007-2009. Coordination with City of Albuquerque (lead agency for the project) is recommended to insure project conformity with this project.

MPO has no functional classification information for this proposed roadway.

AMAFCA:

Amendment to Valle del Sol Master Plan, I-25/Los Picaros, (Q-15) AMAFCA staff approves the Amendment to the Valle del Sol Master Plan Report. The engineer

briefed the AMAFCA Board of Directors on the development, including the proposed Tijeras Arroyo improvements and AMAFCA maintenance, at the January 2006 meeting.

For 9/1/10

AMAFCA has reviewed the document and provided comments to the architect and engineer. AMAFCA staff agrees with the concept of the proposed improvements for the Tijeras Arroyo. A Turnkey Agreement for dedication of right-of-way, construction of the improvements by the owner and assumption of maintenance by AMAFCA will be required prior to construction. The agreement must be approved by the AMAFCA Board of Directors.

City Planning Department:

No comments received (see Attachment 5—Letters from City of Albuquerque)

City Public Works:

Transportation Planning:

No comments received.

For 9/1/10

The Engineering Division of the Department of Municipal Development submits the following preliminary comments based on our review of the subject Plan. The City also requests this case be deferred pending the completion and approval of an appropriate transportation system analysis showing the transportation improvements needed to serve this development. Additional comments will be submitted in the future upon completion of the transportation system analysis.

1. Add New Appendix Item: Completion of an appropriate transportation system analysis 1) showing the impact of the proposed development on the affected transportation system (both on-site and off-site); 2) identifying the system improvements that will be required to accommodate the increased travel demand resulting from each phase of development (including cost estimates, and a phasing plan of when improvements will be needed); and 3) listing the financial commitments by the public sector and the developer to construct the needed improvements. This development is expected to impact transportation facilities under the jurisdiction of the City of Albuquerque and New Mexico Department of Transportation, and therefore, will require city and NMDOT approval in addition to that of Bernalillo County.

2. Exhibit 20 Transportation Map, page 30: Street names referenced in the text such as Air Cargo Road need to be labeled on the map. If street names have not yet been determined for some of the lesser streets such as those connecting to Los Picaros Road, then assign a letter reference (e.g A street, B street, etc.)

3. Exhibit 20 Transportation Map, page 30: Exhibit 20 needs to clearly indicate where roadway access is proposed to be made between the development and the adjacent public streets. The exhibit also needs to indicate what level of access is envisioned. For example, is there a full access proposed at the intersection of University Blvd and Los Picaros Rd? As shown, the plan might be proposing a grade separation, but no access. It's not clear

on the map. Also, at the intersection of University Blvd and what we believe to be Air Cargo Road at the top edge of the map, is this intersection proposed to be a full access or limited to a right-in, right-out only access? The legend should include an access symbol for both full access and partial access, if applicable, and where future signals are envisioned. This information will be critical to the preparation of the above referenced transportation system analysis. It's also important that the map show the functional classification of the street system internal to the development. This too will be important to the transportation system analysis.

4. Exhibit 21 Roadway Sections, page 32/33: Various typical street sections are shown on pages 32 and 33; however, there is no information in the plan that indicates what streets or segments of streets they apply to. A map needs to be added to the plan similar to exhibit 20 that shows specifically where each of these typical sections applies.

5. Exhibit 21 Roadway Sections, page 32/33: Regarding the lane configuration shown in each typical section, are they sufficient to adequately serve the build-out condition travel demand of this development? For streets such as University Blvd and Los Picaros Road that serve other land uses in the area, is the typical section shown sufficient to handle the future traffic from this development plus that of the surrounding existing and committed development?

6. Traffic & Transportation, page 32, 3rd Paragraph: The last sentence in the 3rd paragraph reads, "Improvements to the University Boulevard street section are not part of the Valle del Sol development." Without the results of the transportation system analysis, how can the applicant draw this conclusion? It is entirely possible that an additional lane of capacity on a portion of University Blvd may be needed to serve the travel demand generated from this development. It's recommended that this sentence be deleted from the plan pending the results of the transportation system analysis.

7. Traffic & Transportation, page 32, 4th Paragraph: The 4th paragraph states that Los Picaros Road "will be constructed with two vehicle lanes each way, a center median, bike lanes and six foot wide sidewalks." There is no explanation in the plan as to who is responsible for making these improvements, what the limits of the improvements are, or when they will need to be on the ground. Again, it's recommended that this sentence be deleted until the results of the transportation system analysis is available and the details of the needed improvements known.

8. Traffic & Transportation, page 33, 1st Paragraph: The first paragraph read, "Traffic will enter the industrial developments on either side of University Boulevard from the (future) signalized intersection at Air Cargo Road. Typical street sections for Air Cargo Road (east and west) are illustrated in Exhibit 21." None of the typical sections shown in Exhibit 21 are labeled Air Cargo Road. As stated above, a map needs to be added to the plan similar to exhibit 20 that shows specifically where each of these typical sections applies.

City Transportation Development:

The following concerns from Transportation and COA Aviation Department:

Transportation- Coordinate with COG and follow ROW and Access Standards four University Blvd.

For 9/1/10

Application Number ZSPR 70004 (MAP Q-15):

Site Analysis, Page 7

- o A Traffic Impact Study (TIS) is noted in this section; however, a copy of the TIS is not provided.

- o Intersections requiring updates are listed, but the extent of the upgrades is not defined.

Motorized Vehicle Access to Valle del Sol, Page 32

- o "With the development of Valle del Sol, a portion of Los Picaros Road will be realigned to the north and a new at-grade intersection will be constructed with University Boulevard." How was this determined? Is this a feasible alternative? An approximate design/alignment should be provided.

Water Resources/Water Utility Authority

This utility plan will not be acceptable to the Water Authority. Water is not available to the project at this time.

For 9/1/10

As we discussed, the ABCWUA will not proceed with any development agreement with Valle del Sol until the development is approved by the CPC. This is in keeping with our expansion ordinance that requires development agreements when services are extended outside our existing service area only after a development is approved by the appropriate planning authority (CPC or EPC).

Please call if you have any other questions.

City Transit:

No comments received.

For 9/1/10

Transit in future would be interested in providing bus services to the proposed Valle Del sol Development. In reference to TYPICAL UNIVERSITY SECTION 156' ROW, Exhibit 21 Roadway Sections on page 32, please provide at least 8 feet of buffer from the back of the curb in areas of proposed bus stops on University to help place a pads for bus shelters.

City Open Space:

CITY of ALBUQUERQUE, OPEN SPACE DIVISION

GENERAL COMMENTS:

This is a development proposal for a large tract of land that represents one of the main entrances into the City of Albuquerque. It has numerous existing conditions and constraints that could potentially limit the type and intensity of any development including

1. The Tijeras Arroyo, the largest tributary of the Rio Grande in Bernalillo County;

2. Steep slopes on both north and south margins of the property and associated erodible soils;
3. Albuquerque International Airport and runway configurations and attendant noise contours;
4. Transportation and roadway access;
5. Federally-owned railroad facilities.

Because the development proposals for this property have been ongoing for quite some time and the only cited approvals are over 10 years old, it is not possible to evaluate the current update without being provided any prior approved documents. Even its approval status is unclear: on Page 1 it states that the master plan was recommended for approval at a joint CPC/EPC Hearing but on page 6 it states that the plan was denied by the EPC. In addition, there are numerous existing conditions that have changed in the past 10+ years since any public hearing regarding this property. There is no section detailing any of these changed conditions. On these points alone, approval of the updated Master Plan should be deferred.

PARKS and OPEN SPACE COMMENTS:

Page 1: Please indicate whether "dedicated open space" is intended to be public or private. If public, please indicate whether dedication would be to the City of Albuquerque for Major Public Open Space (MPOS) purposes (see also Page 2).

The cited AMAFCA Drainage Management Plan (DMP) is over 25 years old. With changes to the upstream conditions in the Tijeras watershed, it would seem that a new DMP would be required before any approvals are granted.

Page 5: The applicant should provide proof of consultation with the Department of Defense regarding use or disposition of the existing federally-owned railroad line.

Page 8: As above, clarify the intent and recipients of identified land use categories: Open Space, trails, parks, and streetscapes. There have been no discussions with managing agencies about assuming ownership, maintenance, and liability for any of these designated land-use parcels.

Pages 8-9: Similarly, the discussion about Open Space needs to indicate which agency is to receive and maintain the land, or whether those agencies would accept the land.

Page 10: Same comments as for Pages 8 and 9 as to designation of the receiving agency. Note that the north escarpments have resource values equal to the south escarpments and should similarly be preserved in their natural state in lieu of development.

Page 11: Please clarify the phrase "undesignated open space."

Page 14: Channelization of the Tijeras Arroyo contradicts policies adopted in the Facility Plan for Arroyos (see also comments for Page 19 below).

Page 15: Same comments as those for Page 8 as to designation, dedication, identification, and maintenance of any preferred open space, parks, or trails.

Page 17: Since archaeological site locations are confidential, it is not possible to determine if sites are being avoided or left in place. Any sites that are not being avoided should be the subject of an approved data recovery plan submitted to the State Historic Preservation Division and proof of that consultation should be provided in conjunction with master plan updates.

Page 18: Structures built throughout the Tijeras Arroyo floodplain have been subject to chronic structural failure due to subsidence and aplastic deformation within unconsolidated sediments. The Plan should provide the full geotechnical report in order to determine whether structures can be built in this area.

Page 19: This analysis is incomplete and somewhat misleading. The Comprehensive Plan's "Major Public Open Space" designation on 400 acres of the plan area was removed in 1995 at the landowner's request to allow development planning to proceed, and to change the land-use category from Rural to Developing Urban. That action did not rescind the Facility Plan for Arroyos; the Facility Plan policies requiring minimal treatments needed for drainage management on major Open Space arroyos is still in effect. Outright channelization of the full one-mile length of the Tijeras Arroyo through the Plan area is not consistent with the Facility Plan.

The site's existing resource values which originally resulted in the Comprehensive Plan Open Space designation have not changed either: floodways, steep slopes, wildlife habitat, views, and urban design are all important considerations on this parcel. Since the master plan does not seem to adequately take these considerations into account, this seems to prove that allowing plans in sensitive areas does not always balance private land rights with protecting the public interest.

Figure 6, Grading Plan: This figure indicates mass-grading of the Open Space parcels. If that is correct, the land would not be suitable for dedication to be managed as MPOS. Only land left in its natural condition is acceptable as MPOS. The plan's summary tables for future open space dedications should be reduced accordingly. Also, is it the intent of the Plan to realign Los Picaros Road to a new underpass at University Blvd?

Given the number of outstanding or unresolved issues surrounding this Master Plan update, Open Space Division recommends DEFERRAL of any relevant approvals to allow for updates, interagency discussions, and meetings with the applicant.

For 9/1/10

General Comments:

Although the revised Master Plan for Valle del Sol (VdS) has made remarkable improvements from previous submittals, many comments, concerns, and questions remain for a proposed development of this size and scope. The topics of concern below are addressed in more detail in the section following:

1. Treatment of the Tijeras Arroyo, the largest tributary of the Rio Grande in Bernalillo County. Remaining conflicts with the Albuquerque/Bernalillo County Comprehensive Plan, Facility Plan for Arroyos, the Major Public Open Space Facility Plan, and two drainage Management Plans;
2. Dedication of lands to the Open Space Division as Major Public Open Space (MPOS);
3. Preservation methods for cultural resources and Archaeological Site Management;
4. Buffers and transitions between dedicated MPOS and commercial/residential development;
5. Water collection and harvesting.

Suggested condition for proposed trails:

" Any trails to be designed and constructed by the developer/contractor within the dedicated MPOS areas must be coordinated with the Open Space Division. Site visits and meetings shall be scheduled prior to any development of natural surface or stabilized crusher fine trails on proposed dedicated Major Public Open Space areas.

General comment on overall Valle del Sol Plan:

" The Comprehensive Plan's "Major Public Open Space" designation on 400 acres of the plan area was removed in 1995 at the landowner's request to allow development planning to proceed, and to change the land-use category from Rural to Developing Urban. The zoning was changed to "reserve" according to page 5 on the Valle del Sol Master Plan. However, that action did not rescind the Facility Plan for Arroyos. Facility Plan policies requiring "minimal treatments needed for drainage management" on Major Public Open Space Arroyos are still in effect. Outright channelization of the full one-mile length of the Tijeras Arroyo through the Plan area is not consistent with the Facility Plan. (see specific comments below under #1 for more detailed information).

Specific Comments Pertaining to the Above Addressed General Comments:

1. Tijeras Arroyo Treatment

The Valle del Sol request to fully channelize the Tijeras Arroyo is contrary to policies of the Albuquerque/Bernalillo County Comprehensive Plan. The Plan, adopted by Bernalillo County and the City of Albuquerque, has a Goal to "provide visual relief from urbanization and to offer opportunities for education, recreation, cultural activities, and conservation of natural resources by setting aside Major Public Open Space, parks, trail corridors, and open areas throughout the Comprehensive Plan area" (page II-5). Channelization of the Tijeras Arroyo is contrary to this goal and to the intent of the following policy:

Policy a: Open Space lands and waters shall be acquired or regulated as appropriate to serve one or more of the following purposes:

- " Conservation of natural resources and environmental features
- " Provision of opportunities for outdoor education and recreation
- " Shaping of the urban form
- " Conservation of archaeological resources
- " Provision of trail corridors
- " Protection of the public from natural hazards

The request also does not comply with the Facility Plan for Arroyos (FPFA), adopted by the City of Albuquerque and the Board of Bernalillo County Commissioners in 1986. See page 2 under I. Major Open Space Arroyos: "Major Open Space Arroyos are to remain in a natural or semi-natural condition with native vegetation and channel stabilization consisting primarily of naturalistic treatments?" Moreover, the FPFA does state that "tinted concrete or soil cement may be used in limited applications, such as in low-flow channels." However, the Valle del Sol Master Plan is proposing to use these "cement" channelizing applications throughout the entire project area in order to construct homes adjacent to the "newly channelized arroyo". The existing Open Space characteristics of the Tijeras Arroyo were meant to be "preserved to the greatest extent feasible in order to provide visual and psychological relief from urbanization and to protect the natural drainage process", which conflicts with the applicants proposal to completely channelize the Tijeras Arroyo.

The following policies further the intent behind preserving natural features and viewshed while limiting concrete and channelization of the Tijeras Arroyo:

Policy 1 on page 27 of the Facility Plan for Arroyos calls for Preservation of the Existing Floodplain. The rationale for this policy is that the natural drainage system, its topography and landscaping, constitute a unique visual and natural resource worthy of preservation.

Policy 2 on page 27 calls for Drainage Facilities within Designated Open Space to be designed to blend visually with adjacent land. "The City's Public Open Space is intended to provide a visual contrast to the developed areas of the City. Public facilities can be designed to harmonize with the City's Open Space so that the Open Space character is not adversely affected."

Policy 3 on Page 28 - Drainage Controls For Adjacent Development of the FPFA specifies that "development adjacent to a Major Open Space Arroyo shall be developed jointly by AMAFCA and the City Engineering Division through master drainage studies as part of the arroyo corridor planning process." The rationale for this policy is, in order to preserve the existing floodplain in a natural or semi-natural condition, storm water runoff from developed areas cannot exceed the capacity of the natural drainage system.

The Major Public Open Space Facility Plan discusses policies for the Tijeras Arroyo in depth.

On page 59 policy A.1. (a) describes that "the natural state of historic environmental features, geological features such as bluffs, wildlife habitat and corridors, native vegetation, the infiltration of water into the arroyo's gravel soils and recharge of the aquifer; provide wildlife corridors?"

(c) "In the case of the Tijeras, help shape the urban form by providing a southern edge to the eastern portion of the contiguous city development, and a view corridor along the arroyo and along I-25."

Also see page 62 of MPOS Facility Plan for policies regarding Major Public Open Space Arroyo land uses. Policy B.2 states, "Development adjacent to the Tijeras and Calabacillas Arroyos shall acknowledge the prudent limits as shown in the drainage management plan for each arroyo." This approach should be taken and researched prior to any channelization or bank cement applications.

2. Dedication of lands as Major Public Open Space

Please indicate whether designated open space within Valle del Sol is intended to be public or private and show on exhibits, maps, drawings, etc. The first paragraph on the VdS Master Plan page 27 states "over 14% of the Valle del Sol land area has been designated open space. A significant amount of the dedicated open space is to be untouched land dedicated to the City of Albuquerque Open Space Department" (should be Division). Please indicate exactly how much land (of the 14%) and where the dedicated lands will be located through maps or other graphics and text.

Also, when referring to Major Public Open Space (COA owned and managed OS) please be consistent throughout the Plan indicating this land as either MPOS or just Open Space but maintain public Open Space with capital letters. All private open space shall be written in lower case letters.

Remediation (as indicated on page 27 of the VdS MP) of any dedicated land to the COA Open Space Division would be required and set as a condition before acceptance of the land into the City Open Space network. We commend the VdS plan for indicating this would be completed. This shall be set as a condition by the County Planning Commission and indicated within the Master Plan and any following planning related documents.

3. Cultural Resources, Archaeological Site Management, and Preservation. As stated in the VdS Master Plan on page 27 a cultural resources survey has been prepared for the property and 13 prehistoric sites are believed to contain potentially significant information about the prehistory of the region. It is recommended by the COA Open Space Division that these sites either be researched further and preserved or possibly dedicated as Major Public Open Space for the future preservation of such prehistoric cultural resources. If these areas cannot be dedicated or avoided due to the development, data recovery strategies should be looked into prior to demolition. Coordination with the Acting City Archaeologist and Open Space Superintendent, Matt Schmader, should be a pre-requisite to demolition or development.

4. Buffers and transitions between dedicated MPOS and commercial/residential development

According to page 19 of the VdS Master Plan, homes are positioned abutting the proposed land to be dedicated as MPOS to the City of Albuquerque. The Open Space Division recommends that all land to become MPOS is fronted by a street (also known as single loaded streets) on any future plats. Too many issues arise creating maintenance problems when homes abut MPOS. For example, multiple trails can develop due to people having private access out of their backyards. Trash and yard debris dumping is a problem due to this type of development and "landscaping" behind backyards in the Open Space areas has been a management and natural resource issue. This is also present in the VdS Master Plan adjacent to the Tijeras Arroyo and should be redesigned as well to mitigate future problems arising from "backyards abutting the Open Space".

Therefore, single loaded streets, buffers, and some other well thought-out transitions between development and MPOS should be researched and designed into any future plans at Valle del Sol. Cul-de-sac development should be reduced or eliminated from the Master Plan design as well.

5. Water Collection and Harvesting

Valle del Sol currently has no guarantee for water service to the area from the Albuquerque Bernalillo County Water Utility Authority. Due to this constraint, water collection and harvesting should be utilized to its full potential throughout the entire Master Plan area. On page 29, the Master Plan states "parcels in the northwest industrial area will be required to provide cisterns and collection piping capable of storing .62 gal/sf of roof area for use as supplemental irrigation?" OSD believes that residential units should also be fitted with cisterns and water collection devices to add even more water saving and sustainable practices to the plan area. This not only helps prevent erosion, but less flows will be added to the Tijeras Arroyo while residents would be able to utilize water on site for landscape applications.

NM Department of Transportation
No comments received.

For 9/1/10

Case Number: ZCSU 70004

Case description: Submittal of a Master Plan Report to serve as the planning and design basis for future development.

Location: Portion: 99999 Los Picaros Rd SE, Albuquerque, NM

Type of development (Residential/commercial): Commercial and Residential

Possible Impacted NMDOT roadway(s): NM 47 (Broadway Blvd), NM 303 (Desert Rd), NM 500 (Rio Bravo Blvd), Interstate 25

Departments Comments: The developer will need to provide a Traffic Impact Analysis for the planned development for any offsite improvements for review by NMDOT.

Albuquerque Public Schools:

ZSPR 70004 Valle Del Sol is a 540 acre tract in the lower Tijeras Arroyo area, south-central Bernalillo County, south of Albuquerque International Airport, and east of I-25. This planned development is intended for mixed-use residential, commercial and light industrial purposes. Valle Del Sol will consist of 1,435 single family units and 622 multi-family units, for a total of 2,054 dwelling units. The proposed development will significantly impact Mountain View Elementary School, Polk Middle School, and Highland High School. The proposed development will generate approximately 959 students.

Loc No	School	2007-08 Projections	2006-07 Capacity	Space Available
324	Mountain View	330	457	127
448	Polk	406	700	294
520	Highland	1,982	2,100	118

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- " Provide new capacity (long term solution)
 - o Construct new schools or additions
 - o Add portables
 - o Use of non-classroom spaces for temporary classrooms
 - o Lease facilities
 - o Use other public facilities
- " Improve facility efficiency (short term solution)
 - o Schedule Changes
- " Double sessions
- " Multi-track year-round
- o Other
- " Float teachers (flex schedule)
- " Shift students to Schools with Capacity (short term solution)
 - o Boundary Adjustments / Busing
 - o Grade reconfiguration

- " Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

For 9/1/10

SPR-70004 Valle Del Sol is a 540 acre tract in the lower Tijeras Arroyo area, south-central Bernalillo County, south of Albuquerque International Airport, and east of I-25. This planned development is intended for mixed-use residential, commercial and light industrial purposes. Valle Del Sol will consist of 523 single family units and 568 multi-family units, for a total of 1,085 dwelling units. The proposed development will significantly impact Mountain View Elementary School, Polk Middle School, and Highland High School. Valle Del Sol will generate approximately 507 new students to the district. The developers propose to facilitate the use of charter schools to reduce the impacts to area schools as the community develops. However, even with the use of charter schools, there will still be significant impacts to the district, particularly, to the schools mentioned above. APS has requested that the developers voluntarily donate land for the purpose of a future school site. This will offset the high cost of construction to APS, and reduce overcrowding in the area schools.

Loc No	School	2009-10 40th Day	2009-10 Capacity	Space Available
324	Mountain View	405	428	23
448	Polk	427	566	139
520	Highland	1,659	1,800	141

Residential Units: 1,085

Est. Elementary School Students: 275

Est. Middle School Students: 115

Est. High School Students: 117

Est. Total # of Students from Project: 507

*The estimated number of students from the proposed project is based on an average student generation rate for the entire APS district

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- " Provide new capacity (long term solution)
 - o Construct new schools or additions
 - o Add portables
 - o Use of non-classroom spaces for temporary classrooms
 - o Lease facilities
 - o Use other public facilities
- " Improve facility efficiency (short term solution)

- o Schedule Changes
- " Double sessions
- " Multi-track year-round

- o Other
- " Float teachers (flex schedule)
- " Shift students to Schools with Capacity (short term solution)
- o Boundary Adjustments / Busing
- o Grade reconfiguration
- " Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

PNM

The cost of any relocation of PNM electric facilities will be borne by the developer. The relocation of electric facilities must be contained on Valle del Sol. If relocation is necessary on other property, the developer will secure all necessary easements. Permitting for PNM's electric relation will be included in the approvals of site development plan for Valle del Sol.

For 9/1/10

PNM comments on the Valle Del Sol master Plan dated 7-26-2010

PNM previous comments:

The cost of any relocation of PNM electric facilities will be borne by the developer. The relocation of electric facilities must be contained on Valle Del Sol. If relocation is necessary on other property, the developer will secure all necessary easements. Permitting for PNM's electric facilities will be included in the approvals of the site development plan for Valle Del sol.

7-26-2010 Plan General Comments

The possible relocation of high voltage transmission lines, 115 kV and 345 kV, shall require an agreement between the developer and PNM. There is not a cost sharing agreement nor an approved design at this time. Relocation of transmission facilities is at the expense of the developer.

The WS 345 kV line is designated a protected corridor in the adopted Electric Facility Plan. The relocation of any lines in private easements shall require the developer to provide PNM with new private easements contained in Valle Del Sol and the relocation shall meet the needs of the PNM system, system reliability and future growth of the system. Relocation of critical electric infrastructure is a complex and expensive undertaking for the developer.

PNM conducts annual inspections of their transmission lines and structures for erosion and other maintenance issues.

An FAA restricted air space study will need to be completed regarding any proposed relocation of transmission lines closer to the airport property.

The proposed substation is not planned for the development by PNM Planning. The developer will need to contact PNM regarding the need for and the possible

construction of a substation.

Joint use of PNM right-of-way corridors will need to be discussed with PNM. If agreement is reached, encroachment agreements will need to be executed.

PNM believes that some easements statement made in this document would require further investigation to confirm accuracy.

Design Standards Section specific comments:

Any underground requirement for distribution facilities shall be at the expense of the developer.

It is necessary for the developer to also contact PNM's New Service Delivery Department regarding electric service and load requirements for the master plan area. PNM's standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances.

Screening should be designed to allow for access to utility facilities. As a condition, all screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric Service Guide for specifications. Page 54.

New Mexico Gas

For 9/1/10

No Adverse Comment; but for future and current easements required for the use of (NMGCO) gas lines are required. Please have the Future developers call New Mexico Gas Company for New Service Delivery and planned development in and around NMGCO's distribution gas lines

NEIGHBORHOOD ASSOCIATIONS: